

Remarks

The amendment of claims 1 and 10 is supported by paragraph 37 of the specification and by the drawings. New claim 21 is supported by paragraph 37 of the specification and by Figures 6 and 8. New claims 22 and 23 are counterparts of respective canceled claims 12 and 11. This Amendment contains no "new matter".

The Office Action rejected claim 1 as "obvious" over Pool in combination with Balson U.S. 5,161,689. Pool does not disclose counterparts of both the upper flange and the pour spout claimed herein. Amended claim 1 requires both an upper flange and a pour spout extending vertically upwardly of the upper flange. Pool's spouts 30 and 122 extend outwardly of his body member 20 and 110 rather than upwardly. The upwardly extending straining element 167 shown in Figure 16 of the Pool patent requires a foraminous section 168 to perform its stated function of removing solid masses and other contaminants from liquids during pouring (col. 8, lines 52-60).

Balson discloses a rim seal for use with containers for paint having an upstanding rim at one end and a groove located radially inwardly of the rim. The rim seal is provided with a series of circumferentially spaced inwardly directed ramps 48 of generally oval shaped configuration which define pouring spouts directing a stream of paint, as described at col. 5, lines 14-22 and as shown in Figures 12 and 13. Balson's oval ramps fail to meet the pour spout limitations in applicants' claims.

Amended claim 1 distinguishes the present invention from Pool, Balson, and other references of record herein by requiring applicants' pour spout to include both an upper flange and a liquid control trough extending vertically upwardly of the upper flange. The upper flange extends around a circumference of the channel cover in an area around the circumference not occupied by the liquid control trough. Pool's rim 28 extends a small distance upwardly of his pouring spout 30 as shown in his Figures 1 and 7-10. Pool's rim 28 merely prevents inadvertent sideways spillage rather than functioning as a pour spout. Amended claim 1 clearly distinguishes the present invention from Pool in view of Balson.

Claim 9 further limits claim 1 by requiring the liquid control trough to have a generally vertical outer convex surface. The Office Action (page 4, last paragraph)

erroneously referenced the skirt 158 shown in Pool's Figure 17 as representing a control trough comprising an outer convex surface. Note that Figure 17 illustrates a closure 112 for the container opening rather than a vertical control trough. See col. 9, lines 34-40 of the Pool patent. The skirt 158 is non-analogous to Pool's pouring lip 124. Claim 9 is clearly allowable over Pool, considered alone or in any valid combination with Balson.

New claim 22 further limits claim 21 by requiring a paint container along with an inverted pour spout having both the upper flange and the liquid control trough extending downwardly adjacent to the container body's exterior, the liquid control trough extending vertically downwardly of the upper flange. Pool's closure member 21 (Figs. 1-6) or 112 (Figs. 11-13 and 17) connected to his spout by an integrally formed plastic hinge discourages modification of Pool's container attachment to provide a paint container having a side wall partially covered by an inverted liquid control trough as described in applicants' claim 22 and as shown in Figures 6, 10, and 12-13. The upturned side walls 32, 33 on Pool's spout 30 are also inconsistent with the structure of claim 22. Mueller U.S. Patent 4,811,865 discloses a container 1 provided with an upstanding threaded flange 2 bordering an outlet 3 in a molded plastic cap 7. In the stored position shown in Figure 2 a spout 13 extends downwardly of the outlet 3, **interiorly** of the container side wall 1 rather than **exteriorly** of the container side wall as required in claims 21 and 22.

New claim 23 states that an outer convex surface of the downwardly extending control trough displays graphic matter. Because the spout 13 shown in Mueller's Figure 2 is hidden inside his container side wall 1 there is no suggestion or motivation in Mueller to include graphic matter on the spout when it is in its inverted position. Pool's spouts 30 and 122 do not have a vertical surface and they lack sufficient space to be considered for display of graphic matter. Amended claim 1 and new claims 22-23 clearly distinguish applicant's invention from any valid combination of Pool with Mueller and/or Balson.

Claims 17-19 were rejected under 35 U.S.C. 103(a) as unpatentable over Pool in view of Balson and in further view of Holben U.S. 4,784,260. Holben discloses an article carrier designed for carrying motor oil containers. The carrier is provided with loops which are releasably secured to upper ends of the containers, webbing interconnecting the loops, and a single spout extending between the containers and the loops to serve as a

handle for the carrier. In an alternative embodiment discussed at col. 5, lines 7-12, the article carrier can be of a one-piece molded construction and the webbing can be molded in one piece and bonded or mechanically joined to the nozzle to form a unitary assembly. Holben fails to disclose an article carrier comprising a plurality of pour spouts attached to adjacent pour spouts by a connector integrally formed with the pour spouts as required in applicants' claim 17. The invention of claim 17 and dependent claims 18-20 is allowable over Holben, considered alone or in combination with Pool and Balson. It would not be "obvious" to modify Holben's article carrier as suggested in the Office Action because Holben's patent claims all require "releasable securing means releasably secured to upper ends of the containers" (claim 1) or "releasable securing means in the form of flexible loops" (claim 10). Holben's patent claims actually teach away from the integrally formed connectors and pour spouts of applicants' claim 17.

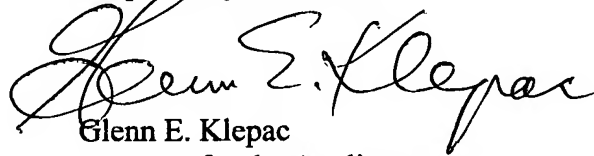
Dependent claim 20 further limits the invention of claim 19 by stating that applicants' pour spout includes a shaft and a plurality of blades extending radially outward of the shaft, and that the shaft may be connected with an electric drill. The Office Action rejected claim 20 as unpatentable over Pool in view of Balson and Holben, and in further view of Stiffler U.S. 4,083,653. Stiffler discloses a stirring device employing a hub 11 supporting 5 radially extendable fins 22, 23, 24 compactly nested to enter a bung opening of a drum. The hub 11 is mounted on a shaft 12 connected to an electric drill 36 as shown in Fig. 7. Stiffler fails to disclose connectors or a stir paddle integrally formed with a pour spout as required in claims 17 and 19. The invention of claim 20 is allowable over Stiffler, considered in any valid combination with Pool, Balson, and Holben.

Amended claims 21 and 10 better distinguishes applicants' invention from Pool U.S. Patent 4,240,568, whether considered alone or in valid combination with Balson and the other references of record in this case. Amended claim 21 requires a pour spout wherein the liquid control trough has a reverse curve at its outermost edge defining an arcuate trough indented downwardly from the outermost free edge. This structure helps to direct paint out of the pour spout in a more controlled manner. Amended claim 10 further limits claim 21 by requiring that the drip lip have an arcuate shape and extend adjacent the indented trough, generally parallel thereto. Such limitations clearly

distinguish applicants' invention from the pouring spout 30 having upturned side walls 32, 33 shown in Figure 4 of the Pool patent. Balson's oval ramps 48 are clearly different from the structures required in amended claims 21 and 10.

The foregoing Amendment distinguishes applicants' novel pour spout patentably from any valid combination of the references of record in this case. Applicants therefore request early notice of allowance of amended claims 1-3, 5-10 and 13-23.

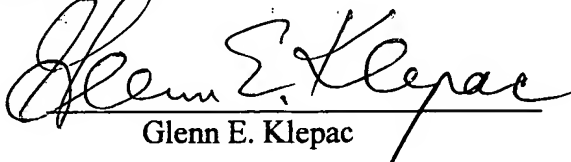
Respectfully submitted,



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I hereby certify that a copy of this Amendment D is being deposited with the United States Postal Service in an envelope with sufficient postage for first class mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 22, 2006.


Glenn E. Klepac

Date of Signature: June 22, 2006